

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Nuance Communications, Inc., : CIVIL ACTION
: NO. 16-5173
Plaintiff :
v. :
:
International Business :
Machines Corporation, :
:
Defendant. :

ORDER

AND NOW, this 13th day of February, 2020, it is hereby
ORDERED that all the parties' objections to exhibits on the
basis of relevance, foundation, and completeness are **OVERRULED**
without prejudice.¹ Objections to exhibits on the basis of
hearsay will be decided when the exhibits are moved into
evidence at trial.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.

¹ Because this is a bench trial, and the Court will not use any evidence that is irrelevant, lacks foundation, or is incomplete as a basis for its findings of fact, it is appropriate to allow the exhibits to come into evidence subject to a motion to strike. See Bic Corp. v. Far E. Source Corp., 23 F. App'x 36, 39 (2d Cir. 2001) ("Further, the admission of evidence in a bench trial is rarely ground for reversal, for the trial judge is presumed to be able to exclude improper inferences from his or her own decisional analysis.").